

James M. Hanavan, State Bar No. 66097
Kristen E. Drake, State Bar No. 202827
CRAIGIE, McCARTHY & CLOW
540 Pacific Avenue
San Francisco, CA 94133
Telephone: (415) 732-7788
Facsimile: (415) 732-7783

Attorneys for Defendants
SAFER TECHNOLOGIES, INC.,
CERMA TECHNOLOGY, INC.,
GEORGE ACKERSON, MARY STRANAHAN,
NICHOLAS STREIT and EDWARD HALBACH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOTOR WORKS LLC,

Plaintiff,

vs.

SAFER TECHNOLOGIES, INC., CERMA
TECHNOLOGY, INC., GEORGE
ACKERMAN, MARY STRANAHAN,
NICHOLAS STREIT, TIM STREIT and
EDWARD HALBACH,

Defendants.

Case No.: 08-CV-03608 JW

**NOTICE OF DEFENDANTS' MOTION
FOR LEAVE TO FILE A MOTION FOR
RECONSIDERATION OF THE COURT'S
ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

**OR IN THE ALTERNATIVE
DEFENDANTS' MOTION TO REOPEN
DISCOVERY TO COMPEL RESPONSES
TO DEFENDANTS' OUTSTANDING
DISCOVERY AND COMPLETE THE
DISCOVERY PROCESS**

Date: January 11, 2010
Time: 9:00 a.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

YOU ARE HEREBY NOTIFIED THAT pursuant to Local Rule 7-9, on January 11, 2010
at 9:00 a.m. or as soon thereafter as it may be heard in Courtroom 8 of the above-entitled court
located at 280 South First Street, San Jose, California, 95113, Hon. James Ware presiding,
defendants Safer Technologies, Inc., Cerma Technology, Inc., George Ackerson, Mary Stranahan,
Nicholas Streit and Edward Halbach ("defendants") will move this Court for leave to file a

1 motion for reconsideration of the Court's Order Granting in Part and Denying in Part Defendants'
 2 Motion for Summary Judgment, or in the alternative to reopen discovery to compel plaintiff's
 3 responses to defendants' outstanding discovery and to complete the discovery process.

4 This Motion is made on the grounds stated in Local Rule 7-9(b)(3): "A manifest failure by
 5 the Court to consider material facts or dispositive legal arguments which were presented to the
 6 Court before such interlocutory order." Specifically, that plaintiff Motor Works LLC is *not* the
 7 manufacturer of the product, BYK-333, but instead an unlicensed, nonexclusive distributor, as is
 8 defendant Safer Technologies, Inc. The *manufacturer* of the product sold by both parties is a
 9 German based company named ALTANA AG.

10 This Motion will be based upon this Notice of Motion and Motion, the accompanying
 11 Memorandum of Points and Authorities, all pleadings and papers on file in this action, and upon
 12 such matters as may be presented to the Court at the time of the hearing.

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 14 Dated: December 7, 2009

CRAIGIE, McCARTHY & CLOW

17 /s/ James M. Hanavan

18 By: James M. Hanavan
 19 Attorneys for Defendants
 20 SAFER TECHNOLOGIES, INC.,
 21 CERMA TECHNOLOGY, INC.,
 22 GEORGE ACKERSON,
 23 MARY STRANAHAN,
 24 NICHOLAS STREIT and
 25 EDWARD HALBACH
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